

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

AIDEN HOMER,)	
)	Civil Action No. 21-cv-0239
Plaintiff,)	
)	Chief United States Magistrate Judge
v.)	Cynthia Reed Eddy
JENNIFER MONZA, et al.,)	
)	
Defendants.)	

ORDER

Presently pending is Plaintiff's Motion to Obtain Service of Process Without Prepayment of US Marshal Fee. (ECF No. 12).

It is the Court's understanding that service fees to the U.S. Marshal Service are not required to be prepaid. However, to the extent Plaintiff's request can be construed as a request to have such fees waived, such request is **DENIED**. The ability to provide Plaintiff the relief he seeks is wholly a function of the statutes covering in forma pauperis proceedings and federal court. Thus, in the absence of some express statutory legal authority, this Court cannot grant this request, which would impose the cost of Plaintiff's lawsuit upon some third party or the public. The fact that Plaintiff has been permitted to proceed in forma pauperis under 28 U.S.C. § 1915 only permits for the waiver of the prepayment of filing fees, it does not provide for the payment of any other litigation expenses.

In *Tabron v. Grace*, 6 F.3d 147, 159 (3d Cir. 1993), the United States Court of Appeals for the Third Circuit stated that "[t]here is no provision in [28 U.S.C. § 1915] for the payment by the government of the costs of deposition transcripts, or any other litigation expenses, and no other statute authorizes courts to commit federal monies for payment of the necessary expenses in a civil suit brought by an indigent litigant." (emphasis added). See also *Wallace v. Bledsoe*, 2010

WL 1565571 (M.D.Pa. 2010) (finding that the Court is without legal authority to appoint a private investigator to assist pro se litigant at no cost to the plaintiff). Congress, however, requires the Court to order service by the U.S. Marshals Service and has not provided for these fees to be waived, either by the Court or the U.S. Marshals Service. All litigants, regardless of their status, must pay service fees to the U.S. Marshal Service. *See Beers v. Piazza*, 2006 WL 3052516, *2 (W.D. Pa. 2006).

By Order of March 9, 2021 (ECF No. 9), Plaintiff was provided courtesy copies of the required service forms and was ordered to provide the Court with proper instructions for service upon each of the named defendants listed in the Complaint, including a U.S. Marshal Form 285, Notice of a Lawsuit and Request to Waive Service of a Summons (AO Form 398), and Waiver of the Service of Summons (AO Form 399). Plaintiff is reminded that these completed forms must be returned to the Court on or before **3/31/2021**.

So **ORDERED** this 10th day of March, 2021.

/s Cynthia Reed Eddy
Cynthia Reed Eddy
United States Magistrate Judge

cc: **AIDEN HOMER**
20-01361
BEAVER COUNTY JAIL
6000 WOODLAWN BLVD.
ALIQUIPPA, PA 15001
(via U.S. First Class Mail)